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By Electronic Case Filing

The Honorable Rosalynn R. Mauskopf
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Ferrara v. Leticia, Inc. et al. 09-CV-3032 (RRM) (CLP)

Dear Judge Mauskopf:

We write on behalf of plaintiffs to advise the Court of a recent development and to seek clarification of a prior Court Order.

As Your Honor may recall, the plaintiffs filed their complaint seeking to collect contributions owed to the Local 282 Trust Funds. Defendant Leticia, Inc. filed various counterclaims against certain Trustees and the Local 282 Trust Funds' former administrator. The entire action was later stayed when the plaintiffs filed a Chapter 7 involuntary bankruptcy petition against Leticia in the United States Bankruptcy Court for the District of New Jersey (Case No. 13-32143).

After several reports by the parties as to the bankruptcy case status, by a Closing Order dated September 22, 2014 (Docket No. 120), the Court ordered "that this case be administratively closed without prejudice to any party's right to reopen upon letter request within 30 days of resolution of the bankruptcy proceeding, or upon any other event that would permit the action in this court to move forward."

We write now to advise the Court that that the bankruptcy action was closed by the Bankruptcy Court through a February 10, 2015 Final Decree (a copy of which is attached).

We also write to seek clarification as to the deadline date set by the Closing Order. Plaintiffs understand the Order's provision "within 30 days of resolution of the bankruptcy proceeding, or upon any other event that would permit the action in this court to move forward" to mean "*whichever is earliest.*" As such, we respectfully request the Court clarify that in light



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of the Bankruptcy Court's Final Decree, the deadline to move to reopen this case is on or before March 12, 2015, which is 30 days after entry of the Final Decree.

We also respectfully request that the Court clarify that if any party requests that the case be reopened, all claims and counterclaims are deemed reopened.¹

In sum, we respectfully request the Court clarify that the deadline to move to reopen this case is on or before March 12, 2015, and that if any party requests that the case be reopened, all claims and counterclaims are deemed reopened.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Michael S. Adler
Michael S. Adler

cc: Angelo Bianchi, Esq. (via ECF)

¹ Such a clarification would thereby obviate the need for either party to ask the case be re-opened (despite a desire to forego further litigation), simply to avoid the risk of their silence being deemed a waiver of their claims and only the other party's claims being re-opened.